



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

March 13, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**AMENDMENT – HIGH DESERT CORRIDOR JOINT POWERS AGREEMENT
(ALL DISTRICTS AFFECTED) (3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and instruct the Chairman to sign an Amendment to the Joint Powers Agreement (JPA) with the County of San Bernardino to increase the size of the JPA Board from five to nine Directors and to modify the approval process to accommodate the increased number of Directors. Two Supervisors, one each from specified districts in the two counties, will be designated as Directors; three additional directors from each county will be nominated by the specified Supervisors in the counties and appointed by the respective board of supervisors; and the ninth Director will be jointly nominated by the two specified Supervisors and appointed by the JPA Board.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On November 8, 2006, your Board approved a non-funded Joint Powers Authority with the County of San Bernardino to actively seek funding for the High Desert Corridor (HDC). Although the corridor is a very significant highway improvement project, completion is not forecast by Caltrans until 2020. The purpose of the JPA was to accelerate this schedule through an aggressive pursuit of supplemental funding.

Given the regional significance of the project, it is recommended that the JPA Board be reconfigured to provide affected cities a more active and participatory role. Increasing the number of Directors will allow additional elected or appointed officials from the cities affected by the transportation and utilities corridors related to this JPA to have input in the direction of the Board. The County of San Bernardino is taking similar action for the approval of this amendment to the JPA.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

Implementation of Strategic Plan Goals

The JPA between the County of San Bernardino and the County of Los Angeles is consistent with the County's Strategic Plan Goals of Service Excellence, Community Services, and Public Safety by seeking to provide roadways that are safe and convenient for the residents of the County.

FISCAL IMPACT/FINANCING

Fiscal impact is anticipated to be minimal staff time. As noted in the November 8, 2006 letter to your Board, the formation of this JPA is being recommended without financial obligations from either County at this time. The proposed Amendment does not change the fiscal/financial responsibilities.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The JPA is governed by a Board of Directors (Board), which under the current JPA consists of five Directors, two from the County of San Bernardino and two from the County of Los Angeles, with the fifth Director selected by the other four. Under the proposed Amendment, there will be nine Directors, consisting of four Directors from each County (as further described below), with the ninth Director recommended by the First District Supervisor of the County of San Bernardino and the Fifth District Supervisor of the County of Los Angeles and appointed by the JPA Board. The selection process for Directors utilized under this JPA is similar to appointments to service sector councils within the Metropolitan Transportation Authority system.

The Amendment proposes that Los Angeles County will be represented by its Fifth District Supervisor; a second Director, recommended for appointment by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors, must be an elected or appointed official of the City of Palmdale; a third Director recommended for appointment by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors, must be an elected or appointed official of the City of Lancaster; and a fourth Director nominated by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors.

San Bernardino County will be represented by its First District Supervisor, and the second, third and fourth Directors who will be recommended for appointment by the First District Supervisor and appointed by action of the San Bernardino County Board of Supervisors. The second, third and fourth Directors must be elected or appointed official of San Bernardino County, the Cities of Adelanto, Victorville, Hesperia, or the Town of Apple Valley.

Honorable Board of Supervisors
March 13, 2007
Page 3

ENVIRONMENTAL DOCUMENTATION

As noted in the November 8, 2006 letter to your Board, appropriate environmental documents would be prepared prior to proceeding with the HDC project.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The proposed Amendment does not impact current services.

CONCLUSION

At such time as the Amendment is approved by your Board, please instruct the Executive Officer, Board of Supervisors to return one adopted, stamped Board Letter and one fully executed copy of the Amendment with the three original signature pages to the Chief Administrative Office, Office of Unincorporated Area Services and Special Projects.

Respectfully submitted,



DAVID E. JANSSEN
Chief Administrative Officer

DEJ:MKZ
MLM:KH:pg

Attachment

c: County Counsel
Director of Public Works
Treasurer and Tax Collector

**THE HIGH DESERT CORRIDOR
JOINT POWERS AUTHORITY**

AMENDMENT NO. 1 TO JOINT POWERS AGREEMENT

This Amendment No. 1 to Joint Powers Agreement is made and entered into this 13th day of March, 2007, by and among the COUNTY OF LOS ANGELES, a body corporate and politic and a political subdivision of the State of California (the "State"), and the COUNTY OF SAN BERNARDINO, a body corporate and politic and a political subdivision of the State.

RECITALS

WHEREAS, the parties hereto have formed this Joint Powers Agreement ("Agreement"), in accordance with Chapter 5 of Division 7 of Title 1 of the Government Code of the State (commencing with Section 6500), as amended and supplemented from time to time (the "Act"), on November 8, 2006; and,

WHEREAS, the Agreement allows for amendment at any time, or from time to time, by unanimous consent of all Member Counties hereto; and,

WHEREAS, the parties hereto desire to amend said Agreement in accordance with the terms and conditions set forth below.

NOW THEREFORE, the parties hereto agree as follows:

- I. **Section 2.03. Board of Directors** is amended and replaced in its entirety to read as follows:

The Authority shall be governed by a Board of Directors (Board), with each Director receiving one vote. The Board shall be comprised of nine Directors designated as follows:

- A. San Bernardino County shall be represented by its First District Supervisor, and second, third and fourth Directors recommended for appointment by the First District Supervisor and appointed by action of the San Bernardino County Board of Supervisors. The second, third and fourth Directors must be elected or appointed officials of San Bernardino County, the City of Adelanto, the City of Victorville, the City of Hesperia or the Town of Apple Valley.
- B. Los Angeles County shall be represented by its Fifth District Supervisor, a second Director recommended for appointment by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors, who must be an elected or appointed official of the City of Palmdale, a third Director recommended for appointment by the Fifth District Supervisor and appointed by action of the Los Angeles County

Board of Supervisors, who must be an elected or appointed official of the City of Lancaster and a fourth Director nominated by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors.

- C. A ninth Director shall be recommended jointly by the First District Supervisor of San Bernardino County and the Fifth District Supervisor of Los Angeles County and appointed by action of the Board.

- II. **Section 2.04. Alternates** is amended and replaced in its entirety to read as follows:

Except as provided below, each Member shall appoint an alternate (Alternate) for each of its four Directors. The Alternate for the ninth Director shall be recommended jointly by the First District Supervisor of San Bernardino County and the Fifth District Supervisor of Los Angeles County and appointed by action of the Board. An Alternate may perform all functions of a Director, including voting, in the absence of the Director, unless as the respective Director limits the authority of his or her Alternate in a writing filed with the Secretary. The Alternate for San Bernardino County's First District Supervisor shall be appointed by the First District Supervisor. The Alternate for Los Angeles County's Fifth District Supervisor shall be appointed by the Fifth District Supervisor.

- III. **Section 2.05. Term of Board of Directors** is amended and replaced in its entirety to read as follows:

Each Director and Alternate shall serve at the pleasure of his or her appointing authority. The ninth Director shall serve a one-year term which may be renewed on the joint recommendation of the First District Supervisor of San Bernardino County and the Fifth District Supervisor of Los Angeles County and approved by action of the Board.

- IV. **Section 2.12. Enlargement of the Board of Directors** is deleted in its entirety.

- V. Except as expressly modified by this Amendment, the unaffected terms and conditions of the original Agreement shall remain valid, binding, and enforceable.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed and attested by their duly authorized officers, and their official seal to be hereto affixed, as of the day and year written.

COUNTY OF SAN BERNARDINO

Paul Biane, Chairman
Board of Supervisors

Dated: _____

COUNTY OF LOS ANGELES

Zev Yaroslavsky, Chairman
Board of Supervisors

Dated: _____

SIGNED AND CERTIFIED THAT A
COPY OF THIS DOCUMENT HAS
BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

Dena M. Smith, Clerk of the Board
of Supervisors

By: _____
Deputy

Date: _____

SIGNED AND CERTIFIED THAT A
COPY OF THIS DOCUMENT HAS
BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

Sachi A. Hamai, Clerk of the Board
of Supervisors

By: _____
Deputy

Date: _____

Approved as to Legal Form:

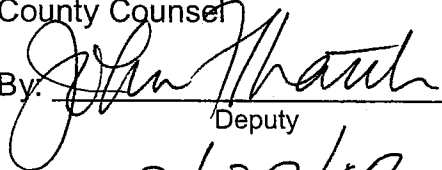
RUTH E. STRINGER
Acting County Counsel

By: _____
Deputy

Date: _____

Approved as to Form:

RAYMOND G. FORTNER, JR.
County Counsel

By:  _____
Deputy

Date: 2/27/07

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed and attested by their duly authorized officers, and their official seal to be hereto affixed, as of the day and year written.

COUNTY OF SAN BERNARDINO

COUNTY OF LOS ANGELES

Paul Biane, Chairman
Board of Supervisors

Zev Yaroslavsky, Chairman
Board of Supervisors

Dated: _____

Dated: _____

SIGNED AND CERTIFIED THAT A
COPY OF THIS DOCUMENT HAS
BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

SIGNED AND CERTIFIED THAT A
COPY OF THIS DOCUMENT HAS
BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

Dena M. Smith, Clerk of the Board
of Supervisors

Sachi A. Hamai, Clerk of the Board
of Supervisors

By: _____
Deputy

By: _____
Deputy

Date: _____

Date: _____

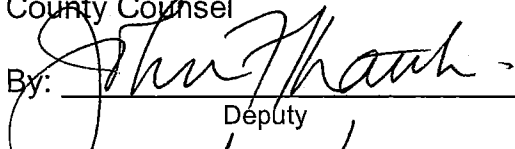
Approved as to Legal Form:

Approved as to Form:

RUTH E. STRINGER
Acting County Counsel

RAYMOND G. FORTNER, JR.
County Counsel

By: _____
Deputy

By:  _____
Deputy

Date: _____

Date:  2/27/07 _____

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed and attested by their duly authorized officers, and their official seal to be hereto affixed, as of the day and year written.

COUNTY OF SAN BERNARDINO

COUNTY OF LOS ANGELES

Paul Biane, Chairman
Board of Supervisors

Zev Yaroslavsky, Chairman
Board of Supervisors

Dated: _____

Dated: _____

SIGNED AND CERTIFIED THAT A
COPY OF THIS DOCUMENT HAS
BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

Dena M. Smith, Clerk of the Board
of Supervisors

By: _____
Deputy

Date: _____

SIGNED AND CERTIFIED THAT A
COPY OF THIS DOCUMENT HAS
BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

Sachi A. Hamai, Clerk of the Board
of Supervisors

By: _____
Deputy

Date: _____

Approved as to Legal Form:

RUTH E. STRINGER
Acting County Counsel

By: _____
Deputy

Date: _____

Approved as to Form:

RAYMOND G. FORTNER, JR.
County Counsel

By:  _____
Deputy

Date: 2/27/07